

REMARKS

Claims 1, 2, 4 – 9 and 30 – 39 are pending in the application. Claims 1, 2, 4 – 9 and 30 – 39 have been rejected. Claims 1 - 30 have been amended. Claims 3 and 10 - 29 are cancelled.

Claims 1, 2, 4 – 9 and 30 – 39 stand rejected under 35 U.S.C. § 112, second paragraph. The claims have been amended so that the preamble is consistent with the body of the claim. Accordingly, it is believed that the claims are now definite.

Claims 1, 2, 4 – 9 and 30 – 39 stand rejected over Johnson, U.S. Patent No. 6,055,515 (Johnson). This rejection is respectfully traversed. When explaining this rejection, the Examiner set forth:

Johnson '515 discloses a computer readable medium in combination with a data structure.

Because a medium is a physical tangible entity, it is the Examiner's factual determination that Applicant has now claimed a product. Product claims are patentable for what they are, not what they do. See e.g. In re Benner, 174 F.2d 938, 942, 82 USPQ 49, 53 (CCPA 1949) ("no provision has been made in the patent statutes for granting a patent upon an old product based solely upon discovery of a new use for such product"). Because data structures *by definition* can not "do" anything (*i.e.* it is a *computer program* is the item or thing that actually *performs* actions), Applicants claims are simply a medium and a data structure. Because virtually all computer programs when executed are on a medium, and those medium contain data structures, the claims are anticipated by a large number of documents. Johnson '515 is simply selected as being exemplary of these documents. (Office action dated November 18, 2005, page 4, emphasis in original.)

Applicant respectfully maintains that the present invention as claimed is not merely "a computer readable medium in combination with a data structure", but a data structure which includes a catalog header portion, a system identification portion and a system option record portion, as required by claims 1 and 30. Johnson does not disclose or suggest such a data structure, much less a data structure which includes the specific functionality of each of the catalog header record portion, system identification portion and the system option record portion as claimed by claims 1 and 30.

Claims 1, 2, 4 – 9 and 30 – 39 stand alternatively rejected over Johnson in view of Muller, "Desktop Encyclopedia of the Internet ("Muller"), Gralla, "How the Internet Works" and

Danish et al., "Building Database-Driven Web Catalogs" ("Danish"). This rejection is respectfully traversed. When explaining this rejection, the Examiner set forth:

It is the Examiner's principle position that the claims are anticipated because Applicant claims only a medium and data structure. Moreover, a catalog record header portion is inherent in the catalog of Johnson '515.

However, if not inherent, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify Johnson '515 as taught by Danish to include Danish's use of headers. Such a modification would have disclosed that which is old and well known in the art.

In this rejection, Muller is cited simply to show an exemplary data structure such as web structures in an EDI environment (Page 83-86) which are old and well known in the art. Clearly one of ordinary skill in the art recognizes that EDI uses header portions (see e.g., Sokol, EDI, the Competitive Edge). Gralla is cited simply to show how the world wide web works. E.g., see Part 5, How the World Wide Web Works. (Office action dated November 18, 2005, page 5.)

Applicant respectfully maintains that even if a "catalog record header portion" were inherent in the catalog of Johnson '515 or were disclosed or suggested by Muller, Gralla and Danish, Johnson, Muller, Gralla and Danish, taken alone or in combination do not disclose or suggest a data structure which includes a catalog header portion, a system identification portion and a system option record portion, as required by claims 1 and 30, much less a data structure which includes the specific functionality of each of the catalog header record portion, system identification portion and the system option record portion as claimed by claims 1 and 30, much less a data structure which includes a system type element as specifically defined by the present application and claimed by claims 1 and 30.

More specifically, the present invention, as set forth by independent claim 1, relates to a data structure in combination with a computer readable media. The data structure provides a catalog from a manufacturer to a customer and is encoded to enable a customer to perform an automated order entry process. The data structure includes a catalog header record portion stored on the computer readable media which stores catalog header record data, a system identification portion stored on the computer readable media which stores system identification data and includes a system type element indicating whether a system is one of a bundled system and a custom system which allows the customer to determine whether the system is a bundled

system or a custom system during the automated order entry process, and a system option record portion stored on a the computer readable media which stores system option record data.

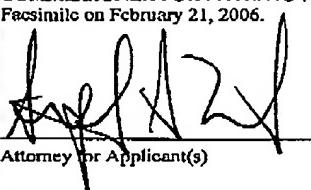
The present invention, as set forth by independent claim 30, relates to a data structure in combination with a computer readable media. The data structure provides a catalog from a manufacturer to a customer and is encoded to enable a customer to perform an automated order entry process. The data structure includes a catalog header record portion stored on the computer readable media which stores catalog header record data, where the catalog header data applies to an entire the catalog, a system identification portion stored on a the computer readable media which stores system identification data, applies once for each system type and includes a system type indicator which indicates whether a system is one of a bundled system and a custom system and allows the customer to determine whether the system is a bundled system or a custom system during the automated order entry process, and a system option record portion being stored on a the computer readable media which stores system option record data and includes a plurality of system option record entries where each of the plurality of system option record entries applies to a respective system option.

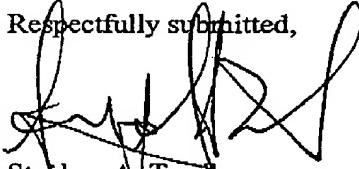
Johnson, Muller and Danish, taken alone or in combination, do not teach or suggest a data structure in combination with a computer readable media wherein the data structure provides a catalog from a manufacturer to a customer and is encoded to enable a customer to perform an automated order entry process, much less wherein the data structure includes a catalog header record portion stored on the computer readable media which stores catalog header record data, a system identification portion stored on a the computer readable media which stores system identification data and includes a system type element indicating whether a system is one of a bundled system and a custom system which allows the customer to determine whether the system is a bundled system or a custom system during the automated order entry process, and a system option record portion stored on a the computer readable media which stores system option record data, all as required by claim 1. Accordingly, claim 1 is allowable over Johnson, Muller and Danish. Claims 2, and 4 - 9 depend from claim 1 and are allowable for at least this reason.

Johnson, Muller and Danish, taken alone or in combination, do not teach or suggest a data structure in combination with a computer readable media wherein the data structure provides a catalog from a manufacturer to a customer and is encoded to enable a customer to perform an automated order entry process, much less wherein the data structure includes a catalog header record portion stored on the computer readable media which stores catalog header record data, where the catalog header data applies to an entire the catalog, a system identification portion stored on a the computer readable media which stores system identification data, applies once for each system type and includes a system type indicator which indicates whether a system is one of a bundled system and a custom system and allows the customer to determine whether the system is a bundled system or a custom system during the automated order entry process, and a system option record portion being stored on a the computer readable media which stores system option record data and includes a plurality of system option record entries where each of the plurality of system option record entries applies to a respective system option, all as required by claim 30. Accordingly, claim 30 is allowable over Johnson, Muller and Danish. Claims 31 - 39 depend from claim 30 and are allowable for at least this reason.

CONCLUSION

In view of the amendments and remarks set forth herein, the application is believed to be in condition for allowance and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the examiner is requested to telephone the undersigned.

I hereby certify that this correspondence is being sent to the COMMISSIONER FOR PATENTS via the USPTO Central Facsimile on February 21, 2006.	
	2/21/06
Attorney for Applicant(s)	Date of Signature

Respectfully submitted,

Stephen A. Terrile
Attorney for Applicant(s)
Reg. No. 32,946